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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**

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DIA VANG,

Plaintiff(s),

v.

JO ANNE B. BARNHART, Commissioner  
of Social Security,

Defendant(s).

1:05-CV- 349-DLB

Hon. Dennis L. Beck  
United States Magistrate Judge

MOTION TO DISMISS THE COMPLAINT;  
AND PROPOSED ORDER

PLEASE TAKE NOTICE that Plaintiff Dia Vang, through her attorney of record, petitions this Court to dismiss the complaint filed on March 14, 2005. The reason for this motion, is that after a thorough review of the administrative record, plaintiff's counsel has come to the conclusion that this action lacks merit. Plaintiff's counsel has conferred with plaintiff, who has agreed to dismiss her complaint. Attached hereto as exhibit "A" is plaintiff's acknowledgment to dismiss.

Dated: September 27, 2005

Respectfully submitted,

S/ Stuart Barasch  
STUART BARASCH  
Attorney for Plaintiff

## ORDER

On this date came on to be considered the Motion to Dismiss the Complaint. The Court is of the opinion that plaintiff's request should be **GRANTED**.

It is, therefore, **ORDERED** that plaintiff's complaint be dismissed.

IT IS SO ORDERED.

Dated: September 28, 2005  
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/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE